

100. Passage of the Telecommunications Act of 1996, and its specific mandate of equitable numbering administration, required the Commission to solicit further comment to ensure that it had a complete record on the issue of what entity should administer the toll free database. We issued a *Further Notice of Proposed Rulemaking (FNPRM)* that requested additional comment on the issue of what entity should administer the toll free database.³⁰¹ We sought this additional comment on what entity should administer the toll free database, in light of section 251(e)(1), because the 1996 Act opens all telecommunications markets to competition. As noted earlier, Bellcore, which owns the current toll free database administrator, has been owned by the RBOCs which we stated, as a matter of first impression, would appear to be a discrete industry segment.³⁰² The Commission tentatively concluded that, given DSMI's current ties to the RBOCs, DSMI's continuation as the toll free database administrator would violate section 251(e)(1) of the Act.³⁰³ Also noting that the RBOCs have entered into an agreement to sell Bellcore, the Commission sought comment on the effect of the agreement upon who should administer the database.³⁰⁴ Although we sought comment on other issues relating to administration of the toll free database,³⁰⁵ in this order, we focus only on the specific question of what entity should administer the database. We will address the remaining issues in a subsequent order in CC Docket No. 95-155.

B. Positions of the Parties

101. In the first set of comments on the issue of toll free database administration, filed before passage of the 1996 Act and the agreement for the sale of Bellcore, some

³⁰¹ *Toll Free Service Access Codes*, CC Docket No. 95-155, Second Report and Order and Further Notice of Proposed Rulemaking (rel. April 11, 1997) (*Toll Free Second Report and Order*).

³⁰² *Toll Free Second Report and Order* at para. 101. Comments in response to the *Further Notice of Proposed Rulemaking* were received on May 22, 1997, and reply comments were received on June 23, 1997.

³⁰³ *Id.*

³⁰⁴ *Id.*

³⁰⁵ We also sought comment on the NANC's role in determining what entity should assume the responsibility of toll free database administration. *Toll Free Second Report and Order* at para. 101. In addition, the Commission inquired whether the toll free database administrator should be the same entity that ultimately is chosen as the NANP administrator or the administrator for local number portability, or whether another administrator should be chosen for the toll free database. *Id.* We also sought comment on what effect the selection of a new administrator for the toll free database would have on the Commission's conclusion in the *800 Proceeding Order* that, under the RBOC plans for providing SMS access, the SMS access is a Title II common carrier service that must be provided under tariff. See *Provision of Access for 800 Service*, Order, 8 FCC Rcd 1423 (1993) (*800 Proceeding Order*). We sought comment on whether access to the database should still be provided pursuant to tariff if there is a new administrator of the database and, if so, what party or entity should file the tariff. *Toll Free Second Report and Order* at para. 104.

commenters expressed support for DSMI's continuation as the toll free database administrator.³⁰⁶ Others stated that toll free number administration should be assumed by a neutral entity unaffiliated with any industry segment.³⁰⁷ Some supported having the NANC consider the issue of what entity should administer the toll free database,³⁰⁸ while others stated that the entity selected as NANPA should assume responsibility for toll free number administration.³⁰⁹ Some of the Bell Operating Companies argued that the real issue is whether the Commission's order in CC Docket No. 86-10 should be modified to remove the requirement that the Regional Bell Operating Companies manage the SMS/800 database. These RBOCs stated that DSMI is simply an agent of the RBOCs and that replacing DSMI will not remove the RBOCs from toll free database administration.³¹⁰

102. In their joint comments on the *FNPRM*, the RBOCs and Bellcore ("the RBOCs") assert that section 251(e)(1) does not require that DSMI or any of the database subcontractors be displaced.³¹¹ The RBOCs state that access to the SMS/800 system is provided pursuant to a nondiscriminatory tariff that allows RespOrgs to reserve toll free numbers on a first-come, first-served basis.³¹² According to the RBOCs, this ensures that toll free numbers are allocated in a nondiscriminatory and equitable manner, as required by section 251(e).³¹³ The RBOCs assert that DSMI simply manages the toll free system, a "largely ministerial" task that does not involve allocating toll free numbers.³¹⁴ Therefore, the RBOCs argue, no change in the current provision of the SMS/800 system is required.³¹⁵ The RBOCs contend that no party has alleged specific acts of discrimination by the RBOCs or Bellcore in connection with the 800 database, and further state that the commenters in CC Docket No. 95-155 have not alleged that

³⁰⁶ See AirTouch comments at 17; reply comments at 12; Ameritech comments at 37; reply comments at 9-10; Telephone Express comments at 2; Telco Planning comments at 6.

³⁰⁷ Allnet comments at 11; AT&T comments at 17-19; reply comments at 4; TRA comments at 21; CompTel comments at 15; MFS comments at 10; Sprint comments at 22-24; reply comments at 17; LDDS comments at 9; reply comments at 6; MCI reply comments at 10.

³⁰⁸ See generally comments of AT&T and Unitel.

³⁰⁹ MFS comments at 10.

³¹⁰ See SWB comments at 19-20; reply comments at 9. See also comments of U S WEST at 27-28; NYNEX comments at 10. Other RBOCs, however, do not oppose the RBOCs turning over SMS/800 functions to another entity. See Bell Atlantic comments at 10; BellSouth comments at 18.

³¹¹ RBOCs comments at 3.

³¹² A RespOrg is the entity responsible for managing a toll free subscriber's record in the toll free database.

³¹³ RBOCs comments at 3.

³¹⁴ *Id.* at 4.

³¹⁵ *Id.*

there has been partiality in the administration of SMS/800 access.³¹⁶ The RBOCs argue that none of the database subcontractors actually reserve, allocate, or disseminate specific toll free numbers from the SMS/800 database. The RespOrgs themselves undertake that task, because by selecting a number from the pool of unreserved numbers, each RespOrg is able automatically to reserve a number for its customer.³¹⁷ The subcontractors maintain the SMS/800 system, and keep track of which numbers have been reserved and which are available. They, however, are unable to dispense toll free numbers, and thus cannot favor one RespOrg over another.³¹⁸

103. The RBOCs state that even if DSMI or Bellcore performed some *de minimis* aspects of toll free number administration, Bellcore (including DSMI) has entered into an agreement to be purchased by Science Applications International Corporation, Inc. (SAIC), an entity unaffiliated with any segment of the industry.³¹⁹ According to the RBOCs, the sale is expected to be final in the fall of 1997, before the Commission could select a vendor to replace DSMI.³²⁰ The RBOCs assert that the sale will make DSMI an "impartial entity." Rather than hastily discharging DSMI to achieve impartiality, the BOCs argue, the Commission can achieve the same results by awaiting the consummation of the sale. The RBOCs urge the Commission to postpone any decision relating to administration of the SMS/800 system until the sale is finalized.³²¹

104. AT&T states that any toll free administrator that is affiliated or in a contractual relationship with Bellcore would be exposed to conflicts of interest because of the competition between the RBOCs and the carriers that use SMS.³²² AT&T agrees that, given its current ties to the RBOCs, DSMI's continuation as the toll free administrator, pending the sale of Bellcore, is inconsistent with section 251(e) of the Act. There are other considerations, however, that, in AT&T's view, militate against making any immediate changes.³²³ AT&T states that, once the RBOCs divest Bellcore, DSMI would qualify as a neutral third party and could continue as the toll free administrator.³²⁴ This fact, however, does not mean that others should not be permitted to do so, AT&T argues. AT&T asserts that the SMS/800 database administrator ultimately should be selected through a competitive bidding process similar to that used to select the

³¹⁶ *Id.* at 4-5.

³¹⁷ *Id.* at 5.

³¹⁸ *Id.* at 6.

³¹⁹ *Id.* at 6-7.

³²⁰ *Id.* at 7.

³²¹ *Id.*

³²² AT&T comments at 2.

³²³ *Id.* at 2-3.

³²⁴ *Id.* at 3.

NANPA and the LNPAs.³²⁵ According to AT&T, despite DSMI's present RBOC affiliation, other crucial number administration tasks facing the industry counsel against opening the SMS/800 database administration issue at this time. AT&T suggests that there is no imminent need to displace DSMI as the database administrator, as long as Belcore is divested by the end of 1997. Nonetheless, AT&T asserts, the Commission should charge an industry committee, such as the NANC, with determining the procedures that in the long-term will be used to select a "follow-on" administrator.³²⁶

105. AT&T states that the duties of the SMS/800 database administrator should not be united with the NANPA or the LNPAs, although a single vendor could assume each of those distinct administrative functions.³²⁷ According to AT&T, the SMS/800 database administrator should be distinct from other numbering administrators because the former administrator's duties require capabilities that administration of the other services does not, and toll free numbers are governed by administrative rules that do not apply to other services.³²⁸ Moreover, the SMS/800 database has been operational for years, while the number portability databases have yet to be implemented.³²⁹

106. According to Sprint, any effort to ensure neutrality of the toll free database administrator should also focus on the entity providing direction to the administrator and making strategic decisions about matters such as enhancements to the toll free database.³³⁰ Sprint does not object to allowing DSMI to continue as the toll free database administrator, at least until a permanent number administrator is chosen.³³¹ Sprint asserts, however, that to ensure neutrality in toll free administration, the current SMS Management Team (SMT), a group composed entirely of RBOC representatives, should be replaced with a Board of Directors with balanced industry representation to oversee the administrator's operations and to provide overall management of the toll free database.³³² Sprint states that DSMI's performance has been satisfactory. Given the time, training, and expense associated with choosing an interim administrator, DSMI should not be replaced unless and until a new permanent administrator is chosen.³³³

³²⁵ *Id.* at 3-4.

³²⁶ *Id.* at 4.

³²⁷ *Id.* at 5.

³²⁸ *Id.* See also Sprint comments at 2-3; RBOCs reply comments at 4-5.

³²⁹ *Id.*

³³⁰ Sprint comments at 1.

³³¹ *Id.*

³³² *Id.* at 1-2.

³³³ *Id.*

107. Sprint states that it does not object to referring the selection of a permanent toll free database administrator to the NANC.³³⁴ In Sprint's view, the administrator should have overall operational responsibility for the database, file the SMS tariff, prepare and file whatever toll free usage reports the Commission requires, and assess and collect the fees associated with use of the database. The administrator should not be responsible for network planning of future toll free codes, which is more appropriately handled by an industry forum such as the INC or the ICCF.³³⁵

108. The BOCs oppose AT&T's proposal that the NANC develop procedures for selecting future SMS/800 database administrators.³³⁶ The BOCs state that selection of the toll free administrator is currently performed by the SMT, which has demonstrated that it can select a database overseer that will treat all sectors of the industry fairly.³³⁷ In the BOCs' view, the Commission should grant the SMT the discretion to select the database administrator. Since the SMT also administers the SMS/800 database access tariff, the BOCs argue, the Commission will be able to police against possible discrimination in administration of the database through its normal tariffing procedures.³³⁸

C. Discussion

109. We conclude that, as presently structured, toll free number database administration is inconsistent with section 251(e)(1) of the Communications Act, as amended. There is not an adequate record, however, upon which to determine what entity should administer the toll free database. Parties asserting that DSMI should no longer administer the toll free database do not suggest what entity should assume the functions. At least one commenter states that DSMI will be neutral after Bellcore is sold, but also asserts that a toll free database administrator should be chosen through a competitive bidding process.³³⁹ We direct the NANC to examine the issue of toll free number administration and make a recommendation to the Commission regarding what entity would be an appropriate administrator for the toll free database. The NANC is free to use a competitive bidding process, similar to those the NANC used in developing its recommendations for the NANPA and the LNPAs, if it determines that such a process is necessary in this context. We request that the NANC make a recommendation to the Commission within 120 days of the effective date of this Order.

V. CONCLUSION

³³⁴ *Id.* at 3.

³³⁵ *Id.*

³³⁶ RBOCs reply comments at 3.

³³⁷ *Id.* at 4.

³³⁸ *Id.*

³³⁹ AT&T comments at 3-4.

110. We conclude that the public interest will be served by our naming Lockheed as the NANPA and NECA as the B&C Agent. Neutral and impartial administration of the numbering resource is critical to the development of competition in the telecommunications market. The record in this proceeding demonstrates that Lockheed and NECA can meet the requirement of neutrality for the purposes of NANP administration and billing and collection for NANPA. Further, the record indicates that each can perform its respective functions effectively. We affirm the NANC's recommendation, subject to the conditions outlined above, and name Lockheed as the new NANPA and NECA as the NANPA B&C Agent. We conclude that, as presently structured, toll free number database administration is inconsistent with section 251(e)(1) of the Communications Act, as amended, and direct the NANC to recommend an entity to assume the duties of toll free number administration within 120 days of the effective date of this order.

VI. PROCEDURAL MATTERS

A. FINAL REGULATORY FLEXIBILITY ANALYSIS

111. As required by the Regulatory Flexibility Act (RFA),³⁴⁰ a Regulatory Flexibility Analysis (RFA) was incorporated in the Administration of the North American Numbering Plan *Notice of Proposed Rulemaking* (NPRM).³⁴¹ There, we certified that the action undertaken would not have a significant economic impact on a substantial number of small entities.³⁴² There were no comments filed in response to the certification. However, given the great increase in the number and variety of telecommunication service providers since 1994, thereby increasing generally, opportunities for small entities, we have determined to conduct a regulatory flexibility analysis at this time.³⁴³

Need for, and Objectives of, this Third Report and Order:

112. This *Third Report and Order* addresses the recommendations of the NANC for an impartial NANP Administrator (NANPA) and Billing and Collection Agent (B&C Agent), pursuant to the *NANP Order*, in which the Commission established the North American Numbering Council (NANC) pursuant to the Federal Advisory Committee Act, 5 U.S.C., App. 2 (FACA). The *NANP Order* directed the NANC, among other things, to recommend to the Commission and to other member countries of the North American Numbering Plan (NANP) a neutral entity to serve as NANP Administrator and an appropriate mechanism for recovering the costs of NANP administration in the United States. The Commission's charge that the NANC

³⁴⁰ See 5 U.S.C. § 603. The RFA, see 5 U.S.C. § 601 *et. seq.*, has been amended by the Contract With America Advancement Act of 1996, Pub. L. No. 104-121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

³⁴¹ See Administration of North American Numbering Plan, *Notice of Proposed Rulemaking*, CC Docket No. 92-237, 9 FCC Rcd 2068 (1994) (*NANP NPRM*).

³⁴² *Id.* at 2078.

³⁴³ See 5 U.S.C. § 604.

recommend an impartial NANP administrator is consistent with Congress' directive in section 251(c)(1) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, than an impartial numbering administrator be named to make telecommunications numbering available on an equitable basis.

113. This *Third Report and Order* establishes Lockheed Martin IMS as the NANPA and CO Code Administrator; selects NECA as the B&C Agent for NANP administration, and adopts the proposed NANPA rules to be codified at 47 C.F.R. section 52.7, et seq.

114. The rules constitute a minimal set of mandatory requirements and are designed to give the industry flexibility to perform number administration in a manner that ensures that the industry's needs for numbering resources are met. Additionally, the NANPA and, to the extent applicable, the B&C Agent, shall follow the guidelines developed by the INC and other industry groups pertaining to administration and assignment of numbering resources. If there is a dispute regarding the application of a particular guideline, or if the industry cannot reach consensus regarding what guidelines are appropriate or necessary in a given context, the Commission will address the dispute, either initially or after receiving a recommendation from the NANC, and will codify formal regulations if necessary. Parties with disputes or questions regarding industry guidelines, or proposed changes to industry guidelines, are encouraged to first seek assistance from the NANC.

Analysis of Significant Issues Raised in Response to the Certification:

115. In the *NANP NPRM*, the Commission certified that the rules it proposed to adopt in this proceeding would not have a significant economic impact on a substantial number of small entities because "while the rules proposed in this proceeding would apply to telephone communications corporations of all sizes that are now assigned telephone numbers or that may in the future seek such assignments, the impact on small business entities served by these corporations and on small telecommunications companies is not likely to be significant." No comments were submitted in response to the certification. However, we have, on our own motion, reconsidered our certification in the *NANP NPRM* and decided to undertake a FRFA.

Description and Estimate of the Number of Small Entities Affected by this Third Report and Order:

116. For the purposes of this Order, the RFA defines a "small business" to be the same as a "small business concern" under the Small Business Act, 15 U.S.C. section 632, unless the Commission has developed one or more definitions that are appropriate to its activities.³⁴ Under the Small Business Act, a "small business concern" is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets

³⁴ See 5 U.S.C. § 601(3) (incorporating by reference the definition of "small business concern" in 5 U.S.C. § 632).

any additional criteria established by the Small Business Administration (SBA).³⁴⁵ SBA has defined a small business for Standard Industrial Classification (SIC) categories 4812 (Radiotelephone Communications) and 4813 (Telephone Communications, Except Radiotelephone) to be small entities when they have fewer than 1,500 employees.³⁴⁶ We first discuss generally the total number of small telephone companies falling within both of those SIC categories. Then, we discuss the number of small businesses within the two subcategories, and attempt to refine further those estimates to correspond with the categories of telephone companies that are commonly used under our rules.

117. Because the small incumbent LECs subject to these rules are either dominant in their field of operations or are not independently owned and operated, consistent with our prior practice, they are excluded from the definition of "small entity" and "small business concerns." Accordingly, our use of the terms "small entities" and "small business" does not encompass small incumbent LECs. Out of an abundance of caution, however, for regulatory flexibility analysis purposes, we will consider small incumbent LECs within the analysis and use the term "small incumbent LECs" to refer to any incumbent LECs that arguably might be defined by SBA as "small business concerns."³⁴⁷

Telephone Companies (SIC 4813)

118. Total Number of Telephone Companies Affected. Many of the decisions and rules adopted herein may not have a significant effect on a substantial number of the small telephone companies identified by SBA. The United States Bureau of the Census ("the Census Bureau") reports that, at the end of 1992, there were 3,497 firms engaged in providing telephone services, as defined therein, for at least one year.³⁴⁸ This number contains a variety of different categories of carriers, including local exchange carriers, interexchange carriers, competitive access providers, cellular carriers, mobile service carriers, operator service providers, pay telephone operators, PCS providers, covered SMR providers, and resellers. It seems certain that some of those 3,497 telephone service firms may not qualify as small entities or small incumbent LECs because they are not "independently owned and operated."³⁴⁹ For example, a PCS provider that is affiliated with an interexchange carrier having more than 1,500 employees would not meet the definition of a small business. It seems reasonable to conclude, therefore, that fewer than 3,497 telephone service firms are small entity telephone service firms or small incumbent LECs that may be affected by this *Third Report and Order*.

³⁴⁵ 15 U.S.C. § 632. See, e.g., *Brown Transport Truckload, Inc. v. Southern Wipers, Inc.*, 176 B.R. 82 (N.D. Ga. 1994).

³⁴⁶ 13 C.F.R. § 121.201.

³⁴⁷ See 13 C.F.R. § 121.201 (SIC 4813).

³⁴⁸ United States Department of Commerce, Bureau of the Census, *1992 Census of Transportation, Communications, and Utilities: Establishment and Firm Size*, at Firm Size 1-123 (1995) (1992 Census).

³⁴⁹ 15 U.S.C. § 632(a)(1).

119. Wireline Carriers and Service Providers. SBA has developed a definition of small entities for telephone communications companies other than radiotelephone (wireless) companies. The Census Bureau reports that, there were 2,321 such telephone companies in operation for at least one year at the end of 1992.³⁵⁰ According to SBA's definition, a small business telephone company other than a radiotelephone company is one employing fewer than 1,500 persons.³⁵¹ All but 26 of the 2,321 non-radiotelephone companies listed by the Census Bureau were reported to have fewer than 1,000 employees. Thus, even if all 26 of those companies had more than 1,500 employees, there would still be 2,295 non-radiotelephone companies that might qualify as small entities or small incumbent LECs. Although it seems certain that some of these carriers are not independently owned and operated, we are unable at this time to estimate with greater precision the number of wireline carriers and service providers that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 2,295 small entity telephone communications companies other than radiotelephone companies that may be affected by the decisions and rules adopted in this *Third Report and Order*.

120. Wireless Service Providers. Neither the Commission nor SBA has developed a definition of small entity specifically applicable to providers of wireless services. The closest applicable definition is that under SBA rules for radiotelephone communications, SIC 4812, which defines a small entity as one with 1500 or fewer employees. The 1992 Census of Transportation, Communications, and Utilities, conducted by the Bureau of the Census, shows that only 12 radiotelephone firms out of a total of 1,176 such firms that operated during 1992 had 1,000 or more employees.³⁵²

121. Local Exchange Carriers. Neither the Commission nor SBA has developed a definition of small providers of local exchange services (LECs). The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. The most reliable source of information regarding the number of LECs nationwide of which we are aware appears to be the data that we collect annually in connection with the Telecommunications Relay Service (TRS). According to our most recent data, 1,347 companies reported that they were engaged in the provision of local exchange services.³⁵³ Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of LECs that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer

³⁵⁰ 1992 Census, *supra*, at Firm Size 1-123.

³⁵¹ 13 C.F.R. § 121.201, (SIC 4812).

³⁵² U.S. Bureau of the Census, U.S. Department of Commerce, 1992 Census of Transportation, Communications, and Utilities, UC92-S-1, Subject Series, Establishment and Firm Size, Table 5, Employment Size of Firms: 1992, SIC 4812 (issued May 1995).

³⁵³ Federal Communications Commission, CCB, Industry Analysis Division, *Telecommunications Industry Revenue: TRS Fund Worksheet Data*, Tbl. 21 (Average Total Telecommunications Revenue Reported by Class of Carrier) (Dec. 1996) (*TRS Worksheet*).

than 1,347 small incumbent LECs that may be affected by the decisions and rules adopted in this *Third Report and Order*.

Description of Projected Reporting, Recordkeeping and Other Compliance Requirements:

122. Reporting. The reporting requirements established in the NANPA rules to be codified at 47 C.F.R. §§ 52.7 are directed exclusively to the NANPA and the B&C Agent. These rules provide that the NANPA and the B&C Agent shall conduct their operations with oversight from the Commission, with recommendations from the NANC.³⁵⁴ Generally, the rules address: (1) neutrality of both the NANPA and the B&C Agent;³⁵⁵ (2) the terms of administration of both the NANPA and the B&C Agent;³⁵⁶ (3) the appropriate handling by the NANPA and the B&C Agent of changes to industry regulations, Commission rules, or other guidelines or directives;³⁵⁷ (4) the performance review process for the NANPA and the B&C Agent;³⁵⁸ (5) the termination of the tenure of the NANPA and the B&C Agent should either fail to comply with the neutrality requirements or materially default in the performance of its obligations;³⁵⁹ (6) dispute resolution;³⁶⁰ (7) enterprise services;³⁶¹ (8) annual reporting requirements for the NANPA;³⁶² (8) duties of the NANPA;³⁶³ and (9) duties of the B&C Agent.³⁶⁴ The NANC's proposed rules specifically include the conditions pertaining to price adjustment and the transfer of intellectual property rights to a successor NANPA.³⁶⁵

123. Recordkeeping. The NANPA rules adopted herein require recordkeeping on the part of the NANPA and B&C Agent. The NANPA and B&C Agent recordkeeping

³⁵⁴ *Id.* at 2.

³⁵⁵ *Id.*

³⁵⁶ *Id.* at 3.

³⁵⁷ *Id.*

³⁵⁸ *Id.*

³⁵⁹ *Id.* at 3-4.

³⁶⁰ *Id.* at 4.

³⁶¹ *Id.*

³⁶² *Id.*

³⁶³ *Id.* at 4-5.

³⁶⁴ *Id.* at 6-7.

³⁶⁵ *Id.* at 5-6.

requirements do not require additional reporting of data from the telephone service providers industry. The NANPA and the B&C Agent shall develop and implement an internal, documented performance monitoring system and shall provide such performance review on request of the Commission on at least an annual basis. The indirect effect of requiring periodic, annual and audit reports from the NANPA and the B&C Agent on small business entities creates a positive benefit as it ensures fairness and neutrality in the management of numbering resources.

124. Other Compliance Requirements. None.

125. Report to Congress: The Commission shall send a copy of this FRFA, along with this *Third Report and Order*, in a report to be sent to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, *see* 5 U.S.C. § 801(a)(1)(A). A copy of this FRFA will also be published in the Federal Register, *see* 5 U.S.C. § 604(b), and will be sent to the Chief, Counsel for Advocacy of the Small Business Administration.

VII. ORDERING CLAUSES

126. Accordingly, pursuant to sections 1, 4(i), and 251 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and 251, IT IS ORDERED that this THIRD REPORT AND ORDER in CC Docket No. 92-237 is hereby ADOPTED.

127. IT IS FURTHER ORDERED that, pursuant to sections 1, 4(i), and 251 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and 251, IT IS ORDERED that this THIRD REPORT AND ORDER in CC Docket No. 95-155 is hereby ADOPTED.

128. IT IS FURTHER ORDERED that the North American Numbering Council shall recommend to the Commission an entity to assume the duties of toll free number database administration by no later than 120 days after the effective date of this Third Report and Order in CC Docket No. 95-155.

129. IT IS FURTHER ORDERED that all policies, rules, and requirements set forth herein are effective 30 days after publication of this order in the Federal Register.

130. IT IS FURTHER ORDERED that, pursuant to section 5(c)(1) of the Communications Act of 1934, as amended, 47 U.S.C. § 155(c)(1), authority is delegated to the Chief, Common Carrier Bureau, to conduct review of any recommendation of the North American Numbering Council on a dispute pertaining to numbering administration or the obtaining of numbers for the provision of telecommunications services.

131. IT IS FURTHER ORDERED that the Commission's Office of the Managing Director (OMD) SHALL SEND a copy of this *Third Report and Order*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION


William F. Caton
Acting Secretary